



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

September 6, 2002

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

**SPEECH**

SUBJECT: Corporate Environmental Enforcement Council (CEEC)  
FROM: John Peter Suarez  
TO: Washington, DC

**Corporate Environmental Enforcement Council (CEEC)**

**INTRODUCTION**

a) PERSONAL BACKGROUND- INTRODUCE MYSELF

LET ME BEGIN BY SHARING WITH YOU MY PERSONAL AGENDA AS  
ASSISTANT ADMINISTRATOR OF OECA. I AM COMMITTED TO IMPROVING HUMAN  
HEALTH AND THE ENVIRONMENT THROUGH FAIR YET FIRM ENFORCEMENT  
PRIORITIES. AT THE SAME TIME INCORPORATING INNOVATIVE COMPLIANCE  
ASSURANCE INITIATIVES, INCENTIVES AND REWARDS TO ENSURE CLEANER AIR,  
PURER WATER AND BETTER PROTECTED LAND.

FAIR- FROM MY EXPERIENCES, I HAVE LEARNED CERTAIN CORE VALUES OF AN ENFORCEMENT OFFICIAL. FIRST AMONG THESE VALUES IS FAIRNESS, FOR I BELIEVE THAT IT IS INCUMBENT UPON A LAW ENFORCEMENT OFFICIAL TO USE THE TREMENDOUS RESOURCES AVAILABLE TO HIM IN A FUNDAMENTALLY FAIR WAY, LEST THE ENTIRE PROCESS LOSE SIGHT OF THE IMPACT THAT IT CAN HAVE ON INDIVIDUALS AND COMMUNITIES. FOR EXAMPLE I AM NOT INTERESTED IN “GOTCHA” TYPE OF ENFORCEMENT PRACTICES. THEY ARE COUNTER PRODUCTIVE. WE ARE MORE INTERESTED IN BEING STRATEGIC IN OUR ENFORCEMENT TARGETING, SO THAT THE RESULTS ARE MEASURABLE ENVIRONMENTAL BENEFITS. (E.G. TOLEDO WE HAVE IMPROVED PUBLIC HEALTH AND LOCAL WATERWAYS BY ELIMINATING NEARLY 800 MILLION GALLONS OF RAW SEWAGE OVERFLOWS ANNUALLY.)

FLEXIBLE- I ALSO BELIEVE THAT AS A LAW ENFORCEMENT OFFICIAL, YOU CAN OFTEN TIMES ACHIEVE BETTER RESULTS BY TRYING TO WORK COOPERATIVELY WITH THOSE WHO MANY WOULD CALL YOUR ADVERSARIES. INDEED, IN MY EXPERIENCE I HAVE FOUND THAT ON MANY ISSUES, EVEN THOUGH THE INDUSTRY MAY HAVE DISAGREED WITH A DECISION THAT WAS REACHED, THE PROCESS OF ENGAGING INDUSTRY INPUT AND ENLISTING THEIR COUNSEL WORKED TO ENSURE A STRONG COOPERATIVE RELATIONSHIP BETWEEN THE REGULATOR AND THE REGULATED. I ALSO BELIEVE THAT FLEXIBILITY IS A CRITICAL COMPONENT TO A COOPERATIVE APPROACH, BECAUSE WITH FLEXIBILITY YOU OFTEN TIMES ACHIEVE THE DESIRED RESULT QUICKLY AND WITH LESS COST.

FIRM- AS A NECESSARY COROLLARY TO A COOPERATIVE AND FLEXIBLE APPROACH, HOWEVER, IS THE WILLINGNESS TO PURSUE APPROPRIATE ENFORCEMENT ACTIONS AGAINST THOSE ENTITIES WHO ARE EITHER UNWILLING OR UNABLE TO CONFORM THEIR CONDUCT TO WHAT IS REQUIRED.

### **OECA AGENDA**

HAVING SAID THAT, I WOULD ALSO LIKE FOR YOU TO KNOW THAT WE IN NO WAY DISREGARD NOR MINIMIZE THE NEED FOR COMPLIANCE ASSISTANCE. AS MIKE STAHL HAS INFORMED YOU IN HIS PANEL DISCUSSION , IT IS OUR HIGH PRIORITY. LET ME ONCE AGAIN HIGHLIGHT SOME OF THE PLACES WHERE WE ARE MAKING STRIDES TO INCREASE AND IMPLEMENT COMPLIANCE ASSISTANCE AND INCENTIVES. WHETHER IT IS THROUGH THE SCORES OF BROCHURES AND FACTS SHEETS OR THE HOTLINES AND COMPLIANCE ASSISTANCE CENTERS WE ARE MAKING EVERY EFFORT TO DEVELOP TOOLS TO HELP THE INDUSTRY IN THEIR UNDERSTANDING OF THE LAWS AND REGULATIONS WHICH ENSURE REACHING COMPLIANCE STATUS.

MIKE ALSO MENTIONED THE WEB-BASED COMPLIANCE ASSISTANCE CLEARING HOUSE. WHICH PROVIDES QUICK ACCESS TO COMPLIANCE ASSISTANCE MATERIALS AND A MEANS FOR THE USER TO INTERACT WITH EPA, STATES AND OTHER COMPLIANCE ASSISTANCE PROVIDERS.

WE ARE ALSO PROVIDING THE INCENTIVES FOR COMPLIANCE THROUGH THE NATIONAL ENVIRONMENTAL PERFORMANCE TRACK PROGRAM. WHERE THE EPA RECOGNIZES AND REWARDS TOP ENVIRONMENTAL PERFORMERS WHO USE CREATIVITY AND INNOVATION TO VOLUNTARILY GO BEYOND CURRENT REQUIREMENTS. WE REWARD THESE PARTICIPANTS WITH THE PUBLIC RECOGNITION THEY DESERVE ALONG WITH A LOW PRIORITY FOR FUTURE INSPECTIONS. THE ABILITY TO BE A SELF-AUDITING ENTITY CONTINUES TO BE AN ATTRACTIVE INCENTIVE FOR THOSE WHO ARE WILLING TO ACHIEVE COMPLIANCE STATUS.

AT THE END OF THE DAY, THE SHARED GOAL IS FOR THE REGULATED COMMUNITY TO FIND THEMSELVES IN THE PLACE OF COMPLIANCE OR BEYOND COMPLIANCE. NOW ENFORCEMENT ACTIONS HAVE PROVED EFFECTIVE IN REACHING THAT END, AND WE CONTINUE TO STAND FIRM IN OUR RESOLVE TO SEE THESE ENFORCEMENTS CARRIED OUT. YET, IF THERE ARE WAYS THAT WE CAN ‘THINK OUTSIDE THE BOX’, AND BE INNOVATIVE , YET STILL REACH THOSE TARGET GOALS WITHOUT HAVING TO TAKE ENFORCEMENT ACTION, THEN IT IS A WIN/WIN SITUATION. WE AS AN ORGANIZATION, AND I PERSONALLY AM COMMITTED TO IMPLEMENTING STRATEGIES WHICH MOST SUCCESSFULLY ACHIEVE THIS GOAL OF COMPLIANCE.

A) **NATIONAL PERFORMANCE MEASURES STRATEGY**- EPA’S ENFORCEMENT AND COMPLIANCE ASSURANCE PROGRAM IS FOCUSED ON PRODUCING “MEASURABLE RESULTS” TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

ALTHOUGH HAVING BEEN FOCUSED TRADITIONALLY ON OUTPUT MEASURES, EPA HAS MADE STRIDES TO INCREASE OUTCOME MEASURES. WHILE STILL CONTINUING SOME REPORTING ON TRADITIONAL ACTIVITIES (E.G. # OF INSPECTIONS & ENFORCEMENT ACTIONS) WE ARE MORE INTERESTED IN THE INCREASED # OF OUTCOME MEASURES. (POUNDS OF POLLUTANTS REDUCED AS A RESULT OF AN ENFORCEMENT ACTION: E.G. TOLEDO: WE ARE IMPROVING PUBLIC HEALTH AND LOCAL WATERWAYS BY ELIMINATING NEARLY 800 MILLION GALLONS OF RAW SEWAGE OVERFLOWS ANNUALLY.)

B) **COMPLIANCE ASSISTANCE**- EPA HAS FOCUSED MUCH ATTENTION ON DEVELOPING TOOLS TO HELP FACILITIES UNDERSTAND THE LAWS AND REGULATIONS WITH WHICH THEY MUST COMPLY. THOSE TOOLS TO ENCOURAGE YOU TO EVALUATE YOUR COMPLIANCE WITH THE ENVIRONMENTAL REGULATIONS INCLUDE SUCH THINGS AS:

- BROCHURES & FACT SHEETS
- IN-PERSON TOOLS, INCLUDING MEETINGS, SEMINARS, WORKSHOPS & ON-SITE ASSISTANCE & TRAINING
- HOTLINES & COMPLIANCE ASSISTANCE CENTERS TO SUPPORT SPECIFIC AREAS OF TECHNICAL ASSISTANCE AND TARGETED GROUPS OF THE REGULATED COMMUNITY.

EPA HAS PROVIDED COMPLIANCE ASSISTANCE TO MORE THAN 550,000 BUSINESSES

C) **NATIONAL ENVIRONMENTAL COMPLIANCE ASSISTANCE**

**CLEARINGHOUSE**- IS A WEB-BASED SEARCHABLE TOOL THAT PROVIDES A QUICK ACCESS TO COMPLIANCE ASSISTANCE MATERIALS AND A MEANS FOR THE USER TO INTERACT WITH EPA, STATES AND OTHER COMPLIANCE ASSISTANCE PROVIDERS. 4,500 LINKS COVERING ALL 50 STATES WITH 183,000 WEB PAGES. 62,000 IN THE PAST YEAR, IN ITS FIRST YEAR OF OPERATION.

D) **COMPLIANCE INCENTIVES**

**NATIONAL ENVIRONMENTAL PERFORMANCE TRACK PROGRAM -**

EPA RECOGNIZES AND REWARDS TOP ENVIRONMENTAL PERFORMERS WHO USE CREATIVITY AND INNOVATION TO VOLUNTARILY GO BEYOND CURRENT REQUIREMENTS.

WHAT ABOUT UNITY WITH STATES?

AUDIT POLICY.

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IT IS A WIN/WIN SITUATION FOR US ALL. WE AS AN ORGANIZATION ARE  
COMMITTED TO IMPLEMENTING STRATEGIES WHICH MOST SUCCESSFULLY  
ATTAIN TO THIS END.